

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

LAN THI TRAN NGUYEN,

Plaintiff,

v.

COLLINS, et al.,

Defendants.

Case No. 2:13-cv-00273-MMD-CWH

ORDER

On February 19, 2013, the Clerk of Court received documents from plaintiff, who is an inmate at the Dublin Correctional Facility in California. These documents included a complaint, an application to proceed *in forma pauperis*, a statement of facts, and a motion for counsel. Instead of opening one case with these documents, the Clerk of Court erroneously opened two cases: (1) the instant action, in which the complaint, application to proceed *in forma pauperis*, and motion for counsel were filed; and (2) a second action, case number 2:13-cv-00274-MMD-PAL, in which plaintiff's statement of facts and motion for counsel were filed. Upon review of the documents filed in both cases, the Court concludes that only one action should have been opened by the Clerk of Court. The complaint in the instant action directly references the statement of facts that the Clerk filed in case number 2:13-cv-00274-MMD-PAL. Both the complaint in the instant action and the statement of facts filed in 2:13-cv-00274-MMD-PAL concern the same subject matter: Allegations that plaintiff and other inmates were subjected to unconstitutional conditions of confinement such as a lack of medical care, a lack of

1 sanitation, improper hygiene, and other unfavorable conditions of confinement while
2 incarcerated at the Nevada Southern Detention Center, located in Pahrump, Nevada.
3 (Dkt. no. 1-1 in 2:13-cv-00273-MMD-CWH; dkt. no. 1, in 2:13-cv-00274-MMD-PAL.)
4 Because all of these documents should have been opened as one action, this order
5 directs the Clerk of Court to correct its mistake by closing the later-filed action, 2:13-cv-
6 00274-MMD-PAL, and file the documents in the instant case, 2:13-cv-000273-MMD-
7 CWH.


8 IT IS THEREFORE ORDERED that the Clerk of Court SHALL FILE IN THE
9 INSTANT CASE documents at dkt. no. 1 and dkt. no. 2 which were filed in case number
10 2:13-cv-00274-MMD-PAL.

11 IT IS FURTHER ORDERED that the Clerk of Court SHALL FILE a copy of this
12 order in case number 2:13-cv-00274-MMD-PAL.

13 IT IS FURTHER ORDERED that the Clerk of Court SHALL CLOSE the
14 erroneously-opened action at case number 2:13-cv-00274-MMD-PAL.

15 IT IS FURTHER ORDERED that plaintiff's claims SHALL PROCEED under the
16 instant case number. All filings by plaintiff shall be captioned with the case number of
17 the instant action, 2:13-cv-273-MMD-CWH. A screening order will be issued in due
18 course.

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20 DATED THIS 22nd day of February 2013.

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23 MIRANDA M. DU
24 UNITED STATES DISTRICT JUDGE
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